

BEFORE THE
DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

RECEIVED LEGAL DESK

MAR 12 1987

In the Matter of the Petition for)	
Modification of Probation of:)	
) No. D-3033
WILLIAM D. PERRY, M.D.)	
2355 Fairfield Avenue, #31)	OAH No. N-28552
Fairfield, CA 94533)	
)
Petitioner.)	
_____)	

DECISION

The matter was heard by a hearing panel of the Seventh District Medical Quality Review Committee on February 19, 1987, in Milpitas, California.

The hearing panel consisted of: Henry R. Drinker, M.D., George E. Dueker, M.D., Eugenio A. Zarate, M.D., Carl Lester, M. Ph., Paula Robinson, R.N., Larry L. Mellott, R. Ph., and Jonathan Ng, M.D., Chairperson. Leonard L. Scott, Administrative Law Judge of the Office of Administrative Hearings, State of California, presided.

Vivian Hara-Hersh, Deputy Attorney General, represented the Division of Medical Quality.

William D. Perry, M.D., petitioner, appeared in his own behalf.

Evidence was received, the hearing was closed and the matter submitted.

The hearing panel met in executive session and made the following decision.

FINDINGS OF FACT

I

On December 5, 1966, petitioner was issued physician's and surgeon's certificate number A-022301.

Effective May 4, 1984, by a Decision which adopted a Decision Pursuant to Stipulation, signed by petitioner and his attorney, peti-

tioner's certificate was revoked. The revocation was stayed and petitioner was placed on probation for seven (7) years upon various terms and conditions including: passing an oral clinical examination, practice in a supervised and structured environment, at least 50 additional hours per year of an educational program related to Family Practice and Pharmacology, surrender of his DEA permit, abstain from possession or use of dangerous drugs or controlled substances without a prescription plus the usual terms and conditions.

In the Stipulation, petitioner admitted the charges and allegations in the Accusation and Supplemental Accusation. Petitioner was disciplined for numerous violations of the Business and Professions Code: section 725 (repeated acts of clearly excessive prescribing), section 2242(a) (prescribing dangerous drugs without a good faith prior examination and medical indication), sections 2234 and 2236 (unprofessional conduct for assault on a peace officer and conviction of that assault), and Health and Safety Code section 11154 (prescription of controlled substances without medical need).

II

Petitioner requested modification of his terms and conditions of probation to remove the condition which requires him to practice in a supervised and structured environment.

III

Petitioner has assisted the California Department of Justice in its investigation of fraudulent billing and other similar activities by Medi-Cal providers. Petitioner wants the condition removed so that he may more readily assist the Department of Justice in such investigations. However, he has been able to assist the Department of Justice even with that condition by merely getting permission of the Division of Medical Quality.

IV

Petitioner also requests the removal of the condition to facilitate his search for employment. The condition does not prevent petitioner from being employed, it merely limits such employment to a structured environment.

V

Since he was disciplined, petitioner has successfully completed his criminal probation, successfully completed an inpatient program for drug and alcohol abuse, and abstained from the use of drugs and alcohol while continuing to attend Alcoholics Anonymous and a diversion program. He has received a certificate of rehabilitation and pardon regarding the criminal offense.

VI

Petitioner successfully completed a physician retraining program presented by the Medical College of Pennsylvania in 1985.

VII

Petitioner has worked hard to rehabilitate himself but the serious and repeated nature of the drug offenses require a longer term of supervised and structured practice.

DETERMINATION OF ISSUES

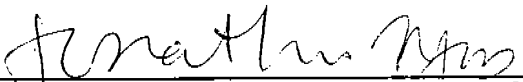
Petitioner failed to demonstrate that cause exists pursuant to Business and Professions Code section 2307 to justify the Modification of Probation.

ORDER

The Petition for Modification of Probation of William D. Perry, M.D., is denied.

This Decision shall be effective April 13, 1987.

IT IS SO ORDERED this 13th day of March, 1987.

By 
JONATHAN NG, M.D., CHAIRPERSON
Panel of Seventh District
Medical Quality Review Committee